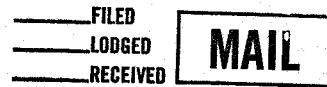


FILED (DROP BOX)

SEP 29 2020

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY



SEP 28 2020

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

Porfirio Conde Cheesman ) Case No.: C20-1276 MJP  
)  
Plaintiff, )  
) Amended  
Vs. ) Civil Complaint  
)  
Swissport USA, Inc., )  
Joseph Abraham, Nathan Borja, )  
Kimberly (H.R. Hiring Manager) )  
Defendant. )  
\_\_\_\_\_ )

To the Western District Court of Washington State, Western District Clerk  
Office, Swissport USA, INC.,

1. Defendants Swissport USA Inc. Et. Al. intentionally violated the 42 U.S.  
Code § 1985. Conspiracy to interfere with civil rights (3)

**(3) DEPRIVING PERSONS OF RIGHTS OR PRIVILEGES**

**If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the**

1 equal protection of the laws; or if two or more persons conspire to prevent by  
 2 force, intimidation, or threat, any citizen who is lawfully entitled to vote, from  
 3 giving his support or advocacy in a legal manner, toward or in favor of the  
 4 election of any lawfully qualified person as an elector for President or Vice  
 5 President, or as a Member of Congress of the United States; or to injure any  
 6 citizen in person or property on account of such support or advocacy; in any case  
 7 of conspiracy set forth in this section, if one or more persons engaged therein do,  
 8 or cause to be done, any act in furtherance of the object of such conspiracy,  
 9 whereby another is injured in his person or property, or deprived of having and  
 exercising any right or privilege of a citizen of the United States, the party so  
 injured or deprived may have an action for the recovery of damages occasioned  
 by such injury or deprivation, against any one or more of the conspirators.

10 2. The Swissport USA Inc. until now are continually retaining the employment  
 11 of a dangerous person name Joseph Abraham are violating the RCW 49.17.060  
 12 on compliance to furnish to each of his or her employees a place of employment  
 13 free from recognized hazards like workplace violence.  
 14

15  
 16 **RCW 49.17.060. Employer—General safety standard—Compliance.**

17 Each employer:

18 (1) Shall furnish to each of his or her employees a place of employment  
 19 free from recognized hazards that are causing or likely to cause serious injury or  
 20 death to his or her employees:

21 3. Plaintiff was fired after making a report of workplace violence against a  
 22 middle age coworker older person Joseph Abraham who also has a seniority to  
 23 work to Swissport USA. Inc and so it is ok for the Swissport USA Inc to  
 24 tolerated the assault rage attempted killing attitude of Joseph Abraham inside a  
 25 workplace environment despite of many complaint of other nationality against  
 26 Joseph Abraham including the plaintiff complaints.  
 27  
 28

**RCW 49.17.160. Discrimination against employee filing complaint,**

(1) No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter, or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or herself or others of any right afforded by this chapter.

4. Swissport retaliate by firing the plaintiff upon making a complaint to H.R.

**RCW 49.76.120. Retaliation against employee.**

(2) Filed or communicated to the employer an intent to file a complaint under RCW 49.76.070 or 49.76.100; or

(3) Participated or assisted, as a witness or otherwise, in another employee's attempt to exercise rights under RCW 49.76.030, 49.76.115, 49.76.070, or 49.76.100.

5. Plaintiff was fired over a abusive Samoan employee who black American's and other Asian American's including the plaintiff are dis favor because of race and color and so the Swissport allowed the continued employment and hiring of Joseph Abraham to abused by means of rage attitude mad yelling and assaulting the plaintiff in the process of hate crimes and against the person of color who complained crossing against the abusive Samoan Joseph Abraham attitude toward other color and race.

**RCW 49.60.180. Unfair practices of employers.**

It is an unfair practice for any employer:

(1) To refuse to hire any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status

1 6. Swissport USA Inc. employees are combined of black American's and Asian  
 2 American's and Samoan American's and one white American supervisor the  
 3 Swissport USA Inc has few white American human resources and other  
 4 nationality employees inside the human resource and the human resource practice  
 5 race and job discrimination because the Swissport USA Inc Human Resources  
 6 does not listen to the complaint of the black American employees or listen to the  
 7 complaint of Asian American complaining against Joseph Abraham who has  
 8 more is more older person and has a seniority to the job secured by the Swissport  
 9 USA Inc as an at will employer.

14 **RCW 49.60.030. Freedom from discrimination—Declaration of civil rights.**

16 (1) The right to be free from discrimination because of race, creed, color, national  
 17 origin, citizenship or immigration status, sex, honorably discharged veteran or  
 18 military status, sexual orientation, or the presence of any sensory, mental, or  
 19 physical disability or the use of a trained dog guide or service animal by a person  
 20 with a disability is recognized as and declared to be a civil right. This right shall  
 include, but not be limited to:

21 (a) The right to obtain and hold employment without discrimination;

22 7. Plaintiff, Mr. Conde Cheesman, was hired by the Swissport USA and was  
 23 assaulted by Joseph Abraham while working April 5, 2019 and the Swissport  
 24 USA, INC., terminated and deprive the plaintiff employment without any notice  
 25 after the plaintiff refused to signature a work released termination forms after the  
 26 assault last April 5, 2019.

1 8. During working hours inside the facility of baggage sorting location in  
2 SeaTac International Airport, while in a baggage sorting machine and no  
3 supervisor on site just a video camera around in the premises, Joseph Abraham  
4 was sorting bags from a distance away from the Plaintiff when suddenly grab a  
5 customer luggage and the defendant became angrily and start accusing Mr.  
6 Cheesman of spitting on the luggage and confronted so closed to the face of Mr.  
7 Cheesman and said "did you spit on the bag!?", plaintiff said "no. what are you  
8 talking about, are you serious?". And plaintiff started to walk away from the  
9 defendant/Joseph Abraham, defendant Abraham, said "do not turn your back on  
10 me!" (yelling) then the defendant Abraham pull the plaintiff shirt while keep on  
11 accusing and saying "you spit on the bag" and plaintiff keep saying "I did not  
12 spit on the bag" while walking away, defendant Joseph got more angry and grab  
13 his personal tug and followed the plaintiff while walking away and get down  
14 from the tug and become more aggressive, went up to the plaintiff and grab the  
15 plaintiff on the waist and slam the plaintiff on the floor and bang slamming the  
16 plaintiff/Mr. Cheesman back body and side of the body in a carb metal rails  
17 while grabbing plaintiff/Mr. Cheesman from the neck and wrestling with intent  
18 to kill choking hold the neck of Mr. Cheesman and continues none stop to  
19 strangle and wiggle shaking the plaintiff violently intended to aim to kill while  
20 all camera and video are present around with few other people watching the  
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1 defendant ballistic raging action of attempting to kill the plaintiff, the plaintiff  
2 waving for help and continued tapping the defendant arms to stop because the  
3 plaintiff could not breathe and hurting the neck and back while the defendant  
4 continued punch the plaintiff in the stomach repeatedly to hold so tightly  
5 violently not letting go the plaintiff until the supervisor came while five or six  
6 people watching the assault happened to the plaintiff and Nathan Borja stop and  
7 break away the assault, and the plaintiff able to call 911 but not able to speak and  
8 hang up, and the supervisor said to the plaintiff to sign out and go home while  
9 five people holding the defendant Abraham and while plaintiff walking away the  
10 defendant Joseph Abraham push all the five people and ride back to the tug  
11 speeding fast and intentionally continued to pursued the plaintiff to run over the  
12 plaintiff with a tug and deliberately intent to kill the plaintiff.  
13  
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20 **9.** Plaintiff/ Mr. Cheesman did not spit on the luggage or bag because the bag's  
21 luggage belt machine was in a different direction toward opposite of the  
22 plaintiffs' position in a diagram of the circulations of the luggage or bags from  
23 the machine belt location.  
24  
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26

27 **10.** Plaintiff was in six months employment and has a good standing  
28 employment records while working to Swissport USA to deserved to be assaulted



1 and fired without notice of employment termination from mail or in person or  
2 any compensation from the injury sustained while working for Swissport USA.  
3  
4 Plaintiff could not afford a medical fee because of high shelter rent cost and high  
5 gas cost for a medical attention after the assault because of the job termination  
6 and silence of communications from the Swissport USA after a phone call of  
7 termination from Kimberly last April of 2019 after the complain of an assault  
8 against a senior Swissport USA, INC. worker Joseph Abraham.  
9

10  
11 After the assault, Plaintiff drove with a friend to went straight to the Swissport  
12 base office and make a complaint and file a report of an assault happened while  
13 working and the plaintiff neck and back hurting, after the complaint while  
14 plaintiff was in the base office and told the management that the plaintiff would  
15 like to file charges against the defendant, joseph Abraham, of assault but the  
16 plaintiff was told to wait for Kimberly instead before to write and file a  
17 complaint against an employee. Plaintiff/Mr. Cheesman waited in the office until  
18 Kimberly arrived, the plaintiff repeated again to Kimberly that the plaintiff would  
19 like to file charges against the defendant, joseph Abraham, and filed a written  
20 report while speaking to Kimberly (hiring supervisor) after the assault and  
21 plaintiff was instructed by the supervisor to sign out and go home.  
22  
23 Kimberly said, "police could not do anything to solve the problem" and then the  
24 plaintiff went home after speaking to Kimberly of the injury.  
25  
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1 Kimberly called the plaintiff after a week or so and informed the plaintiff to  
2 come into the office and signature a termination form and surrender the  
3 Swissport USA uniform after all the plaintiff complaint of an assault in a  
4 workplace by a coworker.  
5  
6

7  
8 **11.** Plaintiff /Mr. Cheesman is asking for the release of all information  
9 containing the records and information of the Hiring or job termination of  
10 defendant Joseph Abraham and the plaintiff Mr. Porfirio Conde Cheesman  
11 employment history records, other employees complaint on records against  
12 Joseph Abraham and the Swissport USA, INC Job Policy Procedures and  
13 Manual's, description of the Swissport USA, INC. Hiring and terminations  
14 procedures and Job Policies.  
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20 **12.** Defendants violate the unfair practice of employment, retaliated and violated  
21 the plaintiff when the plaintiff was assaulted by a senior coworker and the  
22 defendant Swissport USA, INC. terminated the plaintiff Job without informing  
23 from mail or in person upon making a report of workplace assault to the police  
24 and to the human resources.  
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1 **13. The Fourteenth Amendment rights** of the plaintiff for the equal protection  
2 of law are violated by the Swissport USA when the assault was constantly  
3  
4 reported to the supervisor, other employee's, and Kimberly. The Swissport fired  
5 the plaintiff instead and was called from a cell phone by Swissport USA, INC.  
6  
7 employer to signature a job termination form after a week of investigation of an  
8 assault reported happened while working and the employer continued to denied  
9  
10 equal protection of the law and to call to the proper authority to report to the  
11 police of an assault of an employee plaintiff/Mr. Cheesman inside the sea tac  
12  
13 airport facility that a normal person and incorporated company would not wait  
14 for the murder of an employees from a dangerous person while working without  
15  
16 being reported to local police authority and continued to asked the plaintiff to  
17  
18 surrender the Swissport uniform for terminations after the attack and report of the  
19  
20 assault without the physical removal of the assailant Joseph Abraham from the  
21  
22 workplace. The plaintiff until now are sustaining the physical injury from  
23  
24 workplace violence because of coworkers being so mad and making false  
25  
26 allegations and start to tried to kill the plaintiff by strangulations performing  
27  
28 deadly choke hold to the neck of the plaintiff while being punch in the stomach  
and being wiggled violently by the defendant that hurt the neck and back of the  
plaintiff until present time August of year 2020 and the Swissport conspired to  
the wrong doing of the defendant Joseph Abraham for terminating the

1 employment of the plaintiff after the assault and continued retaining the  
2 defendant Joseph Abraham employment despite of the deadly intentional assault  
3 strangulation to the plaintiff while working and intentionally chase and  
4 premeditated tried to run over the plaintiff/Mr. Cheesman with a tug machinery  
5 that could kill a person.  
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10 **14.** The defendants are at will employer and while so, conspired with Joseph  
11 Abraham who has a job seniority working in Swissport USA Inc. who assaulted  
12 the plaintiff while working to be permanent in the job after six months and  
13 because Joseph Abraham who assaulted the plaintiff is a different nationality  
14 (Samoan) and has been in the Swissport job with a seniority job title, the  
15 Swissport human resources favored Joseph Abraham of assaulting and  
16 attempting to kill the plaintiff Mr. Cheesman with a tug vehicle, and upon  
17 Swissport knowing the plaintiff called the police, the Swissport told the plaintiff  
18 to go home and relieved the plaintiff from his job and fired the plaintiff to  
19 retaliate to the assault complaint of the plaintiff to Kimberly and to the Swissport  
20 supervisor. The Swissport conspired with Joseph Abraham who assaulted the  
21 plaintiff by means of favoring and concealing the assault in the workplace by  
22 firing the plaintiff, because Joseph Abraham is a favored different nationality  
23 who also has a job seniority title of the job. Joseph Abraham who assaulted the  
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1 plaintiff retained the Swissport job until now and fired the plaintiff instead that  
2 was assaulted by the Swissport senior worker Joseph Abraham.  
3

4 RCW 49.60.180 Unfair practices of employers. Nationality and colors has also a  
5 factor in this civil complaint because the Nationality of Joseph Abraham and  
6 colors are different compared to another worker of Swissport USA. Inc. in the  
7 same job location, as well-known by the employer Swissport human resources  
8 from job applications that there is no White American applicant working where  
9 all black American and Asian, Asian American and Samoan working together  
10 inside the Sea Tac Airport Swissport baggage location and Samoan has more  
11 standing favor likely will be more tolerated than other colors or nationality  
12 working inside the Swissport location, because Mr. Joseph Abraham has a job  
13 seniority to protected his own colors and nationality Samoan and he  
14 communicate to them as one individuals with respect to their own colors and  
15 nationality while Swissport knew Joseph Abraham has been complaint by black  
16 American workers and has a anger problem fighting with Asian or Asian  
17 American and complaining against Joseph Abraham abusive attitudes toward  
18 Black American and Asian American rather the abusive attitudes and seniority of  
19 Joseph Abraham are tolerated even after assaulting the plaintiff who is a  
20 American Filipino and because Joseph Abraham is more age or older person than  
21 the plaintiff and has a job seniority in Swissport USA. Inc, and despite of other  
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1 person in color black American complaining including the plaintiff complaint to  
2 the Swissport supervisor and human resources of an assault, all complaint of  
3 abuse attitude by strangling and attempting to kill a person while working and  
4 other reported complain from black and other nationality against Joseph  
5 Abraham are disregarded by the Swissport managements and are not being  
6 monitored for accuracy of the employees complaint against the same person  
7 Joseph Abraham.

11 **15.** Swissport USA Inc without launching an investigation to the complaint of  
12 plaintiff and other colors or nationality like black American and Asian for equal  
13 privileges of all employees without a race or age discriminations because Joseph  
14 Abraham has more title job seniority privilege and are older person are  
15 continually conspiring to joseph to retained his job and consenting to the assault  
16 of the employees, verbally, physically and emotionally damaging the plaintiff  
17 being fired after the report of an assault and attempted murder by the action of  
18 Joseph Abraham.

23 **16.** Swissport USA Inc, conspire with Joseph Abraham to injure, oppress,  
24 threaten and intimidate the plaintiff while working, Swissport USA Inc, knew  
25 Joseph Abraham has a rage anger problem being reported since by other color  
26 and other nationality working closely with Joseph Abraham inside the baggage  
27  
28

1 location area of the Swissport job location in Sea Tac international Airport,  
2 Swissport USA Inc continued to tolerated a hostile work environment without  
3 disciplinary action against Joseph Abraham rage assaulting the plaintiff and using  
4 heavy vehicle to attempted murder/kill the plaintiff and ignoring other colors and  
5 other nationality who complaint against Joseph Abraham being angry and  
6 hostility toward other color and other nationality assaulting the plaintiff then  
7 attempted to kill the plaintiff by using a heavy machinery vehicle, Swissport  
8 USA Inc fired and job, race discriminate the plaintiff after the assault and  
9 attempted murder reporting against the rage of Joseph Abraham to kill the  
10 plaintiff while working.  
11  
12  
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15

16 **17.** The plaintiff nationality is American Pilipino born in the USA and has a  
17 civil right as an American Filipino employee to work and be hired by the  
18 Swissport USA Inc. without being assaulted and targeted for attempted murder  
19 while working as one of the employees of Swissport USA Inc. The Swissport  
20 USA Inc. has a duty of care and responsibility to their employees' to provide a  
21 safe work environment to their employees and because of the plaintiff complaint  
22 of an assault and attempted murder using a heavy Tug machinery and then after  
23 the complaint terminated and fired the plaintiff instead.  
24  
25  
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28 **18.** 42 U.S. Code § 1985. Conspiracy to interfere with civil rights (3),

1 **19.** 18 U.S. Code § 241. Conspiracy against rights.

2  
3 **20.** 42 USC 1983: Civil action for deprivation of rights,

4  
5 **21.** Fourth Amendment Rights.

6 **22.** Since the assault, attempted murder, race and employment discriminations,  
7  
8 and the violations of civil rights of the plaintiff has suffered economic and none  
9 economic damages RCW 4.56.250.

10  
11 **23.** The Swissport USA Inc. are negligent in hiring, retaining and supervising  
12 Joseph Abraham rage attitude toward other colored and other nationality  
13 employee while few or more have complained against Joseph Abraham.

14  
15 **24.** Swissport USA Inc. are Negligent in Hiring Joseph Abraham and the  
16 Swissport must provide the criminal records of Mr. Joseph Abraham to be  
17 compared to the criminal records under the name of Joseph Abraham lingering  
18 on an online internet police records of the criminal activity of Joseph Abraham  
19 since the 90's and until present time that the Swissport USA Inc. knew of  
20 existence prior of hiring Joseph Abraham or did not investigate any criminal  
21 records of individual prior of hiring Joseph Abraham.

22  
23 **25.** Negligent Retention, Swissport USA Inc. should have documented records  
24 from different employees including the plaintiff verbal complaint or written  
25  
26  
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28



1 complaint against Joseph Abraham rather continued to ignore facts of the rage  
2 criminal activity inside the job facility being complained by colored and other  
3 nationality.  
4

5  
6 **26. Negligent Supervision**, the supervisor and human resources knew the assault  
7 are in progress while all live camera are around and few other employees are  
8 watching the assault and attempted killing activity of Joseph Abraham, but the  
9 Swissport USA Inc. supervisor did not immediately remove Joseph Abraham  
10 from the work site and the human resources told the plaintiff to go home instead  
11 after knowing the plaintiff has just called the police.  
12  
13

14  
15 Plaintiff reserved the rights to continue to amend civil complaint and added more  
16 civil complaint charges against the Defendant's Swissport USA, INC. et. Al.  
17

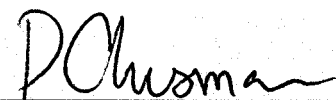
### 18 **DAMAGES**

19  
20  
21 WHEREFORE, Plaintiff pray for \$5,000,000 compensatory damages, punitive  
22 damages, economic and noneconomic damages for the physical injury sustained  
23 from the physical assault at work place and from job termination, together with  
24 attorney's fees and court costs in bringing this action and the Defendant  
25 Swissport USA, INC. reinstating the plaintiff employment and the relocation of  
26 the plaintiff.  
27  
28

**Jury demand**

Plaintiff demands a jury trial.

Dated this 25<sup>th</sup> day of August 2020



Porfirio Conde Cheesman/Pro Se  
1708 N INDIANA DRIVE  
ELLENSBURG, WA 98926

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing Amended Civil Complaint on the following named person on the date indicated below in the manner indicated

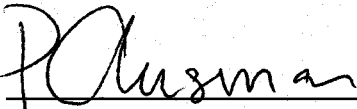
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U.S. District Court  
Clerk's Office  
700 Stewart Street, Suite 2310  
Seattle, WA 98101

Swissport USA, INC.  
18000 International Boulevard  
Sea Tac, WA. 98188

Dated this 25<sup>th</sup> day of August 2020

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

  
\_\_\_\_\_  
Porfirio Conde Cheesman/Pro Se  
1708 N INDIANA DRIVE  
ELLENSBURG, WA 98926



~~Porfirio Cheesman~~  
~~1708 N. Indiana Dr.~~  
~~Ellensburg, WA 98926~~



U.S. DISTRICT COURT  
CLERK'S OFFICE  
700 STEWART STREET, Suite 23  
SEATTLE, WA 98101



SEP 28 2020

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BY